

United States District Court
For the Southern District of California

RYAN MOORE,)	
)	
Plaintiff,)	No. 15-CV-75-LAB
)	
v.)	February 28, 2017
)	
UNITED STATES OF AMERICA and)	San Diego, California
DOES 1 THROUGH 25, INCLUSIVE,)	
)	Excerpt of Ryan Moore
Defendants.)	Testimony

Trial Day 1 - EXCERPT
Transcript of Trial
BEFORE THE HONORABLE LARRY ALAN BURNS
United States District Judge

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I N D E X

EXAMINATIONSPAGE

RYAN MOORE.....
DIRECT EXAMINATION BY MR. CHAMBERS..... 3

1 San Diego, California, February 28, 2017

2 * * *

3 (Beginning of Excerpt.)

4 RYAN MOORE, PLAINTIFF'S WITNESS, SWORN

5 THE COURTROOM DEPUTY: Please state and spell your
6 first and last name for the record.

7 THE WITNESS: Ryan, R-Y-A-N, Moore, M-O-O-R-E.

8 DIRECT EXAMINATION

9 BY MR. CHAMBERS:

10 Q. Hi. You get the enormous task of following up after your
11 mom --

12 A. Yeah.

13 Q. -- so good luck with that. I want to talk a little bit
14 about your background. I know we just heard from your mom from
15 her standpoint, but I'm interested to get your perspective on
16 sort of your formative years. So why don't you tell us a
17 little bit about where you grew up and what it was like.

18 A. I grew up in a suburb of Milwaukee, Wauwatosa, actually
19 born in Milwaukee and then moved to Wauwatosa. Went to
20 elementary, middle and high school in Wauwatosa. I was very
21 involved in sports growing up.

22 Q. What kind of sports did you play?

23 A. Baseball, soccer, football, and basketball for a while.

24 Q. Any favorites?

25 A. Baseball most likely, actually I was pretty decent at it.

1 Q. What was it about baseball that drew you to it?

2 A. I was a pitcher, so I enjoyed being in kind of command of
3 the game. I didn't have to rely on anybody else for part of
4 the game, but I was actually scouted by the Philadelphia
5 Phillies and Milwaukee Brewers when I was a sophomore in high
6 school.

7 Q. Wow, must have been pretty decent then.

8 A. Till I blew my arm out my junior year, so.

9 Q. You have a sister, brother?

10 A. Yes.

11 Q. We've heard a little bit about them. Tell us about your
12 relationship with each of them.

13 A. Growing up, it was good. My sister was a very good
14 student, and my brother and I kind of took the sport route more
15 than concentrating on school per se, hundred percent, so -- but
16 always close. It was the three of us and my mother most of the
17 time, so we were all pretty tight-knit.

18 Q. Did you guys do a lot of things, you and your siblings
19 together, growing up?

20 A. Yeah, family trips, and then my brother and I would go to
21 each other's athletic competitions and -- but we took a lot of
22 family trips.

23 Q. Where did you go on your family trips?

24 A. Well, my mom would make us read 10 books a year in order to
25 get to go to Great America every summer, and I may have missed

1 one or two but that was one that we always usually went on.

2 And then camping and fishing and going to ball games and
3 things like that.

4 Q. Pretty active as a young man it sounds like?

5 A. Yeah.

6 Q. And then in high school we heard from your mom who talked
7 about, you know, you had a lot of friends, is that your memory
8 of it too?

9 A. Yeah.

10 Q. Did you like to be social?

11 A. Yeah. I think she'd kind of really go to the extent of
12 when I used to come home all the time I'd spend more time with
13 my friends than my family, which probably isn't good, but I
14 had -- I still have a lot of friends back home.

15 Q. And when you were back in high school, would you go to
16 their house, they'd come to your house, what was the
17 arrangement typically?

18 A. Yeah, I mean both. A couple of us would walk to school
19 until we got cars. And then every weekend, I was either
20 involved in sporting events or we went to sporting events or
21 just hung out.

22 Q. And how would you describe your childhood years?

23 A. They were good.

24 Q. Happy?

25 A. Yeah.

1 Q. Do you look back on them with fond memories?

2 A. Yeah.

3 Q. And then at some point you apply for and start college?

4 A. Correct.

5 Q. When was that?

6 A. It was 1995.

7 Q. Okay.

8 A. In the fall.

9 Q. And you were living at home at this point in time?

10 A. Yes.

11 Q. And so you start college at what school?

12 A. University of Wisconsin - Milwaukee.

13 Q. And did you have a major declared at that point?

14 A. Yeah, actually it was criminal justice first.

15 Q. Okay. What was it about criminal justice that drew you to
16 it?

17 A. I just always have been a fan of police officers and
18 investigations and trying to help people who can't help
19 themselves the most, and it just really interests me, and the
20 camaraderie as well coming from a big sports background.

21 Q. And so you start at the University of Wisconsin and you go
22 until when?

23 A. I went for three years, but in that three years I changed
24 my major to education after -- after a year or a
25 year-and-a-half.

1 Q. And we heard from your mom, you're relatively young at this
2 point?

3 A. Yeah, I was only like 19 or I started when I was -- no, I
4 was 18, yeah.

5 Q. So you start when you're 18, you go to college for three
6 years?

7 A. Yeah.

8 Q. And then what happens?

9 A. Since I was -- I was paying for it all by myself and I just
10 kind of lost interest and I stopped going and, in return, I
11 started wasting my own money. And I decided to take a break
12 and get a full-time job and see how that lifestyle was like.

13 Q. When you say take a break, what was it that you were taking
14 a break from?

15 A. School.

16 Q. What, were you not enjoying yourself or?

17 A. I just wasn't focused enough to accomplish what I was there
18 for.

19 Q. And what do you attribute that to, your lack of focus back
20 then?

21 A. Being young and not -- majority of my friends really
22 weren't going to college and, like I said, I switched majors
23 twice and I wasn't sure which one to do and it was just I
24 needed a break.

25 Q. Okay. And so you take a break and you start working, you

1 said?

2 A. Yes.

3 Q. What sorts of jobs were you holding down?

4 A. I was bartending and then I became a bar manager. Well,
5 let me step back, before then in high school I worked hauling
6 kegs of beer around for this music festival, Summerfest, and
7 that was all summer long. And I continued to do that for -- I
8 think I worked there for almost 10 years, like just in the
9 summers, but then I also became a bar manager for a very
10 successful bar and I would actually take my own leave from that
11 job to go work at Summerfest. And then I also got into
12 painting and rehabbing houses, so semi construction work.

13 Q. But your work life started much earlier than that?

14 A. Yes.

15 Q. 10 or 11, right?

16 A. Yes.

17 Q. And you were delivering papers back then?

18 A. Yes.

19 Q. And have you been working since then?

20 A. Yes, I went from the papers to working at the grocery store
21 for a couple years and then -- then I started working the
22 summers down at Summerfest.

23 Q. Why? I mean that seems awful young to start work. What
24 was it about work that you enjoyed?

25 A. It was just the way we were raised. And like my mom was

1 saying earlier that if we wanted something like I would want
2 special shoes or a special glove for baseball and stuff, she
3 wasn't going to buy it, so I had to work in order to get those
4 things if I wanted them, and just the -- instilled the hard
5 work ethic in us. Pretty much single mother raising three
6 kids, working three jobs, so just hard work.

7 Q. Was she sort of a role model for you in terms of hard work?

8 A. Oh, absolutely.

9 Q. And when you were working, was it something where you were
10 driven to be the best at what you were doing or were you just
11 happy to be getting a paycheck?

12 A. No. Anything I do I'm pretty competitive and want to be
13 the best. Even the bar I worked at, my friend's brother owned
14 it and his two other brothers also worked there yet he promoted
15 me before them and they'd actually worked there longer. So
16 anything I ever did, even painting and construction, you know,
17 I would try to learn as much as I can to try to be the best
18 that I could.

19 Q. That's true in work and in sports it sounds like too?

20 A. Oh, absolutely.

21 Q. When you were working throughout your teenage years and
22 into your 20s when you took your leave of absence from college,
23 did you have any limitations in terms of what you were able to
24 do physically?

25 A. No.

1 Q. Any limitations in terms of mental limitations?

2 A. No.

3 Q. Any memory issues that you recall from back then?

4 A. No.

5 Q. Didn't keep any calendars or to-do lists extensively when
6 you were in your early 20s?

7 A. No.

8 Q. And was your memory something that you used quite
9 frequently back then?

10 A. Yes.

11 Q. That's true both in school and in work?

12 A. Yes.

13 Q. And at some point you go back to school, right?

14 A. Yes.

15 Q. What prompted that?

16 A. I guess you can say I matured and after kind of working
17 these other jobs and looking at the big picture at things that
18 I was finally ready and knew what I wanted to do and I went all
19 in for it.

20 Q. So when you say you were mature and ready and knew what you
21 wanted to do, what was that?

22 A. What did I want to do?

23 Q. Uh-huh.

24 A. Well, I wanted to go back in the criminal justice and
25 finish my degree so I could move into the law enforcement

1 field.

2 Q. And you'd switched your major from criminal justice to
3 education before you left, right?

4 A. Correct.

5 Q. So why the switch back to criminal justice?

6 A. Just after years off -- I mean I was off five years, so I
7 had a lot of time to think and talk to a lot of people and
8 educate myself more and I knew that was where I wanted to go.

9 Q. So you go back to school after a five-year layoff, how was
10 life at college when you go back?

11 A. It's all business, no -- no fun. I took the maximum amount
12 of credits we could take a semester just to try to get it done
13 as quick as possible.

14 Q. And how were your grades?

15 A. They were good.

16 Q. How was your social life during that time?

17 A. I mean, I still had a social life yet I didn't allow my
18 social life to interrupt what I was trying to do at school. So
19 I could balance the two pretty good.

20 Q. And that's that maturity that you talked about before?

21 A. Yeah.

22 Q. And you continued to work during this second go at college?

23 A. Yes.

24 Q. And you supported yourself through college; is that right?

25 A. Yes.

1 Q. And was that doing the painting and the bars still?

2 A. It was more the painting when I went back. Painting and
3 construction.

4 Q. And I understand that you were a fairly successful student
5 when you went back in terms of your grade point average?

6 A. Yes, I mean I finally applied myself fully and took the
7 responsibility.

8 Q. And were you on a dean's list or get any other academic
9 accolades?

10 A. I was on the dean's list.

11 Q. And did you graduate with any kind of honors or anything?

12 A. Not that I'm aware of.

13 Q. Maybe they're just holding it back from you. So you
14 graduate in what year?

15 A. I was summer of 2004.

16 Q. Okay. And your degree is in what?

17 A. It's in -- Bachelor's of Science in criminal justice.

18 Q. And then what did you do at that point?

19 A. Well, before then I was already starting to apply to a
20 bunch of law enforcement agencies, and the first one that
21 picked me up was the probation/parole for the State of
22 Wisconsin.

23 Q. And what were you doing for them?

24 A. I was a probation and parole agent for the mental health
25 unit in downtown Milwaukee.

1 Q. And what did that job entail? Give us a little flavor.

2 A. A lot of things. Meeting with the criminal offenders. If
3 they were on probation, you'd meet them at your office first
4 and then you'd do home visits with them. With the guys on
5 parole, I'd have to go meet them in prison before they were
6 released and then do the same once they got out.

7 But the challenging part was the mental health unit is the
8 hardest unit to work on and making sure they're taking their
9 medications and doing what they're supposed to be doing, it was
10 pretty challenging.

11 Q. So were you looking elsewhere at the time that you were
12 working for them?

13 A. No, I started to. I just wanted to get my foot in the door
14 because that's what a lot of other places told me. Like, I had
15 an interview with the Department of State before I graduated
16 and they just told me I need more experience before being
17 hired. So I started getting the experience and finding out
18 other options to apply for and I wanted to kind of get out of
19 the social aspect of law enforcement -- I mean, that doesn't
20 sound right.

21 Probation and parole is more like social work, I believe,
22 and my aspirations in law enforcement are different than that.

23 Q. What were your aspirations at that point in your life?

24 A. I've always wanted to be an investigator. The best tool I
25 feel I have or had in law enforcement was my memory and my mind

1 and to be able to help solve crimes using your brain and things
2 like that. I mean, that just really, that's what I wanted to
3 do.

4 Q. I'm not familiar with law enforcement, can you tell us what
5 an investigator does or what that is?

6 A. Well, like, you see all these shows on TV, like investigate
7 certain types of crimes that occurred and try to backtrack and
8 see how -- what actually happened and like murders and
9 situations like that.

10 Q. And did you have any particular law enforcement agency that
11 you saw yourself working for?

12 A. Nothing particular, no.

13 Q. Okay. So did you continue to apply for other positions?

14 A. While I was probation and parole?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. Where did you apply?

18 A. I applied with the border patrol, the Milwaukee police
19 department, I think a couple other police departments as well.

20 Q. And were you ultimately hired by any of those people?

21 A. Milwaukee was going to hire me, but it was right at the
22 time the border patrol offered me and I decided to try the
23 border patrol.

24 Q. So you'd also applied to the border patrol during that
25 time?

1 A. Yes.

2 Q. And what was it about the border patrol that attracted you?

3 A. Honestly, for one, it was getting my foot in the door into
4 the federal system in order to move on to being an
5 investigator. And also experience working in a new part of the
6 country I've never been and just learning -- learning the job.

7 Q. Did you know when you applied for the border patrol that
8 you could potentially have to move to other parts of the
9 country?

10 A. Yes.

11 Q. And did you know specifically you would be coming out west?

12 A. Yes.

13 Q. Was that something that was attractive to you?

14 A. I really didn't think of it like that. It was -- I just
15 thought it was the next step in where I want to go and I was
16 ready to take the risk, so.

17 Q. So you're ultimately successful and you were hired by the
18 border patrol?

19 A. Am I -- what was that?

20 Q. Your application was accepted and you were ultimately hired
21 by the border patrol, is that right?

22 A. Yes.

23 Q. When was that?

24 A. I don't know the official dates, but I reported on June
25 26th, 2006.

1 Q. And was that for the academy?

2 A. Yes.

3 Q. And I think your mom mentioned that was in New Mexico?

4 A. Yes.

5 Q. How long were you in the academy for?

6 A. I think it was 19, 20 weeks.

7 Q. And what sorts of things are you learning as you're going
8 through the border patrol academy?

9 A. Law, of course, defensive tactics, shooting, arrest
10 procedures, ethics, driving, and physical fitness pretty much.

11 Q. And I imagine spending 20 weeks --

12 A. Oh, and Spanish. I should say that.

13 Q. I'll switch my examination over in Spanish. I imagine
14 after spending 19 or 20 weeks at the academy you also forged
15 some friendships?

16 A. Yes.

17 Q. Tell me about those.

18 A. My mom kind of touched on it earlier, but I have been lucky
19 to be able -- any group I get put to work with or do anything
20 with, I'm -- I can adapt to people very well and make friends
21 pretty quick.

22 And just being a fun happy guy and, you know, meeting guys
23 from all over the country that you don't know anything about
24 and then, you know, working together to go through a difficult
25 academy like that, I mean, it was pretty easy.

1 Q. So you had a lot of camaraderie and sort of a team
2 approach?

3 A. Yeah.

4 Q. How many people were in your border patrol class?

5 A. Well, we started off with 50.

6 Q. How many graduated?

7 A. 37.

8 Q. Where were you among the 37?

9 A. I graduated first in our class.

10 Q. Top of the class. And following your graduation from the
11 border patrol academy, where did you go next?

12 A. To the Chula Vista border patrol station.

13 Q. And when you first came on board as a rookie border patrol
14 agent, any physical or mental limitations?

15 A. No.

16 Q. Any issues with memory that you felt were taking away from
17 your work?

18 A. No.

19 Q. Let's switch gears a little bit, I want to talk about the
20 Ryan sort of socially and outside of work before this injury
21 happened. Tell us a little bit about some of the things you
22 enjoyed doing.

23 A. Hanging out with my friends all the time, whether it be
24 golfing, taking trips places, camping, just hanging out trying
25 to meet girls, and experience a new part of the country I'm

1 living in. Very social.

2 Q. And that's true from the time you joined the border patrol
3 up until this happened?

4 A. Yes.

5 Q. Fair to say you didn't often spend the weekend alone?

6 A. No, not often.

7 Q. And you would be out with your friends you mentioned?

8 A. Yes.

9 Q. Golfing I think? Yes?

10 A. Golfing, yes.

11 Q. And then did you enjoy outdoor activities, hunting,
12 fishing, things like that?

13 A. Like I mentioned, camping and fishing as well.

14 Q. And then sporting events too, if you're anything like your
15 mom, I guess you're a Packers fan.

16 A. I am.

17 Q. I don't think you have a choice about that one. And would
18 you go to games? Or tell me a little bit about your love of
19 sports.

20 A. Yeah. I mean multiple Padre games a year, every time the
21 Brewers would come out on the west coast I'd see them here and
22 in LA. Went and saw the Brewers in Phoenix, in San Francisco.
23 I think that's it, but yeah, multiple sporting events.

24 MR. CHAMBERS: Can I have Exhibit 48, please.

25 THE WITNESS: I went to the Rose Bowl three times too.

1 BY MR. CHAMBERS:

2 Q. And if you weren't actually out at these venues you'd be
3 home watching or with your friends watching?

4 A. With my friends, yeah.

5 Q. Why don't we take a look at the screen here, this is
6 Exhibit 48. What are we looking at?

7 A. That is in Mission Beach in 2010 during the Packers playoff
8 and that was against the Atlanta Falcons.

9 Q. Who won?

10 A. The Packers.

11 Q. Who are we seeing in this photo with you?

12 A. The guy on the left in the 15 jersey, that's my buddy
13 Jeremy who I went to high school with. He was in town
14 visiting. The guy next to him is my good friend, Erik Freitag,
15 who lives out here. The guy next to him is Kevin Huyler who I
16 grew up with and went to high school with, and he was out
17 visiting.

18 Q. So these are some close friends of yours?

19 A. Yeah.

20 Q. And was this a pretty typical Sunday afternoon at least
21 during football season?

22 A. Yeah.

23 Q. Get together with your friends and have a good time and
24 watch the game?

25 A. Yes.

1 Q. Can I see Exhibit 39, please. Who do we have here?

2 A. That's myself, my brother and my nephew.

3 Q. That's you on the left of the photo?

4 A. Yes.

5 Q. And then who's in the middle?

6 A. That's my nephew, Jackson.

7 Q. Is he the one who's named after you?

8 A. Yes.

9 Q. And it looks like you guys are at Petco?

10 A. Yes.

11 Q. Was this something that you guys would typically do when
12 Adam and your nephew were in town?

13 A. I mean, I can't say every time or for sure. I just don't
14 remember, but -- we obviously went to a game it looks like.

15 Q. And you enjoyed going to sporting events with Adam and with
16 your nephew?

17 A. Yeah. I enjoy going with anybody.

18 Q. And then you mentioned before going on some trips, what
19 sorts of places would you visit?

20 A. Like I said before, Phoenix, I've been out a couple times
21 either for sporting events or concerts. I've been up to
22 Spokane, Washington, San Francisco, northern California,
23 Nevada. And I even -- one Christmas I took a trip by myself
24 when we had -- during the holidays I had some vacation to use,
25 so I took a trip by myself to the Grand Canyon. And then I

1 went up to Bryce Canyon in Utah and Zion National Park in Utah
2 and then Las Vegas on the way back.

3 Q. And these trips, other than that one you mentioned where
4 you were just traveling alone, were these with other people?

5 A. Yes, always my -- a buddy or two.

6 Q. So you'd take a few friends and you'd go visit these
7 various cities?

8 A. Yes.

9 Q. Can I see Exhibit 36, please. That's you in the picture, I
10 assume.

11 A. Yes.

12 Q. When was this taken?

13 A. That's when I took the trip to the Grand Canyon. I think
14 it was December of 2011.

15 Q. And you were just out hiking alone?

16 A. Yes.

17 Q. You liked to be outdoors and be active and do those sorts
18 of things?

19 A. Yes.

20 Q. Was that something that you'd do frequently here in town as
21 opposed to traveling?

22 A. I mean, I'd do it both. I'd do it both.

23 Q. Can I see Exhibit 38, please. And where are we here?

24 A. That is up in Julian.

25 Q. And is that Jackson again?

1 A. That is.

2 Q. What were you guys doing up in Julian?

3 A. Showing him it and we were hiking around a little bit, like
4 we were at an overlook there.

5 Q. Who else was with you guys, if you remember?

6 A. Oh, I'm guessing my sister was.

7 Q. You don't remember?

8 A. I mean, not specifically, but I would imagine it was her.

9 Q. And then in addition to taking these trips and spending
10 time with your family, you also enjoyed working?

11 A. Yes.

12 Q. And you talked a little bit before about the camaraderie
13 and the team work that you grew in the academy with, was that
14 something that carried over when you joined the border patrol
15 full time?

16 A. Yes.

17 Q. What was it specifically that you enjoyed about being a
18 border patrol agent?

19 A. Protecting the country and working with your brothers and
20 sisters and just feeling like you're doing something worthwhile
21 to help out.

22 Q. Can I have Exhibit 40, please. Who do we have here?

23 A. Those are members of a drug and gang task force I was on
24 for a little over three years.

25 Q. What are you guys doing here in the photo?

1 A. Trying to look cool, I guess.

2 Q. Do you remember when this was taken?

3 A. Not specifically. I mean, I was on that squad from 2010 to
4 right before my accident.

5 Q. And you look pretty happy here. Were you enjoying your
6 work?

7 A. I was. I worked on a team -- I was the only federal agent
8 on the team. Everybody else on the team was either police
9 officers or probation, parole, and district attorney. So I got
10 to experience another aspect of law enforcement I wasn't too
11 familiar with.

12 Q. Now, we've heard a couple times now throughout the course
13 of the trial the different task forces that you've been on as
14 opposed to other assignments, can you give us the differences,
15 what's a task force versus what a typical border patrol agent
16 would do?

17 A. A task force is when they combined multiple jurisdictions
18 or law enforcement agencies together in order to target
19 specific crimes.

20 Q. And how were you selected to be part of these task forces?

21 A. You have to submit memos and then do interviews and be
22 selected.

23 Q. So prior to your injury, what was it about a task force
24 that was attractive to you? What made you want to sign up?

25 A. Try something new and educate myself more, have a new

1 challenge.

2 Q. Was there a point in time prior to your injury where you
3 were actually out, I don't know what you'd call it, on patrol
4 or out in the field?

5 A. What's that?

6 Q. Was there ever a time prior to your injury where you were
7 on patrol or out in the field?

8 A. Oh yeah, all the time.

9 Q. Okay. And this is different than the task force?

10 A. Yes.

11 Q. What are the differences between being on patrol -- am I
12 using that term correctly?

13 A. Yes.

14 Q. Okay. So what's the difference between being on patrol and
15 being part of a task force?

16 A. Well, being on patrol at your station you're pretty much
17 focused on one certain area and depending on where you're
18 stationed you're limited of what you can actually -- what laws
19 you can actually enforce and what you may run into criminal
20 wise per se. And on a task force you're more, you're more semi
21 like a detective or investigator focused on criminals that are
22 on -- are in gangs or on drugs. And the unit I was on was
23 focused mostly on those people that were on probation or parole
24 and involved in those two.

25 Q. So it sounds like your time on the task force was a more

1 directed investigation as opposed to just being out looking for
2 bad guys?

3 A. Yes. Yes.

4 Q. Can I have Exhibit 34, please. Looks like you in the
5 center of the picture there?

6 A. Yes.

7 Q. With the badge around your neck?

8 A. Yes.

9 Q. When was this taken?

10 A. I guess during that time period, 2010 to 2013, I don't know
11 specifically.

12 Q. And do you recall what you guys were doing in this picture?

13 A. The packages behind us are full of marijuana, so a big
14 narcotics seizure.

15 Q. So you just made a drug bust?

16 A. Yes.

17 Q. And you were kind of doing the trophy shot in front of the
18 bust?

19 A. Yes.

20 Q. And these look like some of the same guys that were in the
21 last photo we saw?

22 A. Yes.

23 Q. So these were guys that were on the task force with you?

24 A. Yes.

25 Q. Friends of yours?

1 A. Yes.

2 Q. Can I have Exhibit 35, please. What are we looking at
3 here?

4 A. Same situation, just a different seizure.

5 Q. Was that part of the task force that you were involved in's
6 goal was to go out and seize drugs?

7 A. Well, like I said, it was a drug and gang task force, so it
8 was one of our duties.

9 Q. And, again, we've got sort of the trophy shot here in front
10 of all the drugs that you seized?

11 A. Yes.

12 Q. Do you remember -- strike that.

13 I want to focus in now -- we've talked a little bit about
14 your background, a little bit about your work history. I want
15 to focus in on the months leading up to your injury. We heard
16 from your mom that you bought a house?

17 A. Yes.

18 Q. Tell me a little bit about that.

19 A. Oh, I'd lived out here in San Diego in apartments for,
20 shoot, six, seven years and always been a dream of mine to own
21 a home. And at that time the market was down and I felt it was
22 now or never to try to jump on it. So I'd been saving my money
23 for years and, of course, I didn't get like the first two or
24 three houses I wanted to buy and I had to expand my search a
25 little bit.

1 But I found a very nice house, a little farther out in
2 Ramona, but I decided to jump on it.

3 Q. And what was it about buying your first house that was
4 particularly important to you?

5 A. I mean, a sense of pride and accomplishment, you know, not
6 many people are able to do that. And I'd been busting my butt
7 ever since I was 10 years old working and that's something I
8 believe you work for is to own your own home and advance your
9 life from that point.

10 Q. So this was a big sort of life event, a big step in your
11 life?

12 A. Yes.

13 Q. Had you thought about settling down and starting a family?

14 A. Yes.

15 Q. Tell me a little bit about that.

16 A. Well, as you get older, you know, and you're kind of
17 getting over the chasing around and hanging out at bars and
18 stuff like that too much, you kind of look at the bigger
19 picture of things in life. You see a bunch of your friends
20 getting married, and that also came into mind when I actually
21 bought this house as well because it's on the same -- off the
22 same street as the middle school and high school up there. And
23 I always had the vision of having kids that they can just walk
24 to school and have their kids come over and play here and.

25 Q. And was having kids something that you looked forward to?

1 A. Yes.

2 Q. Still something you look forward to?

3 A. I would like it but.

4 Q. Can I see Exhibit 49, please. Do you remember when this
5 picture was taken?

6 A. I believe it was in that same time period of 2010 to 2013.

7 Q. Do you remember where it was taken?

8 A. I do not, but a friend who's on the task force took it, so
9 I'm guessing it was by their police department.

10 Q. And you don't remember what you were doing in this picture
11 or where you guys were?

12 A. No.

13 Q. But that's you in it, right?

14 A. Yes.

15 Q. So fair to say life was sort of looking up in the late
16 2012, early 2013 timeframe?

17 A. Yes.

18 Q. All right. Well, let's move forward a little bit then.
19 We're obviously here today to talk about some difficult things.
20 So I want to delve in and see what you remember, what you don't
21 remember and get your take on things.

22 I'd like first to talk about the incident itself, the
23 explosion and your injury. Do you have any memory at all of
24 that evening, June 24th, 2013?

25 A. No. And it bugs me every day.

1 Q. How come?

2 A. I don't think we'd be sitting here right now, for one. And
3 because it's changed my life.

4 Q. Do you want to take a minute?

5 A. No, I'm okay.

6 Q. Okay. What's the last memory that you have before your
7 injury?

8 A. Going on a trip with my brother.

9 Q. Where did you guys go?

10 A. We went up to northern California.

11 Q. To do what?

12 A. To get away and experience it up there, do some brewery
13 tours and some camping.

14 Q. When you say camping, are you talking about with tents or
15 RVs or what?

16 A. No, just tents.

17 Q. Was that something you and your brother did frequently?

18 A. I mean, we did occasionally. It depends, he was gone for
19 many years and so.

20 Q. And do you recall when that camping trip was, how far
21 before your injury?

22 A. Nah, just what people have told me.

23 Q. If I suggest to you it was a couple of weeks, do you have
24 any reason to doubt that?

25 A. No.

1 Q. So fair to say you don't have a memory for a couple of week
2 period before your injury?

3 A. Correct.

4 Q. And that's nothing, you don't remember anything?

5 A. No.

6 Q. And similarly you have no recollection whatsoever of using
7 the compressors or filling a tire that evening, is that right?

8 A. No.

9 Q. Let's talk a little bit about your experience filling a
10 tire. Had you used this particular inflator before?

11 A. Yes.

12 Q. For what?

13 A. To fill tires.

14 Q. What kind of tires?

15 A. Before that, just vehicle tires, either government vehicle
16 tires or my personal vehicle tires.

17 Q. So we're talking about passenger vehicles, you know, like
18 I've got on my car and you've got on your car?

19 A. Yes.

20 Q. Had you ever filled a wheelbarrow tire at this particular
21 location before?

22 A. No.

23 Q. You ever filled any smaller tires, like a bicycle tire
24 maybe?

25 A. No.

1 Q. Any other small volume tires you filled out there?

2 A. No.

3 Q. And when you filled this on those prior occasions, did you
4 have any idea what the PSI coming from the compressors was?

5 A. No.

6 Q. Did you ever ask anyone?

7 A. No.

8 Q. Did you ever receive any training from the border patrol or
9 elsewhere on how to properly inflate a tire?

10 MR. LASKE: Objection, Your Honor.

11 THE COURT: Sustained. Sustained. This falls within
12 the ruling the Court made in limine.

13 MR. CHAMBERS: I apologize, Your Honor. I thought the
14 Court said we could still elicit testimony from Mr. Moore as to
15 his background and training. It's not for the purpose of
16 showing the border patrol is negligent for not training, it's
17 simply to get at what his background and experience and
18 knowledge is.

19 THE COURT: All right. I change the ruling then, the
20 objection is overruled. You may answer that for that purpose,
21 Mr. Moore.

22 THE WITNESS: No.

23 THE COURT: Border patrol ever give you training on
24 how to run this compressor?

25 THE WITNESS: No.

1 BY MR. CHAMBERS:

2 Q. And the prior times that you filled out there did you
3 notice any warning signs located anywhere around that
4 particular inflator?

5 A. No.

6 Q. And were you aware of any restrictions that were placed on
7 what you could or could not fill using that inflator?

8 A. No.

9 Q. Were you ever aware of any restrictions on when you could
10 use that inflator?

11 A. No.

12 Q. Day or night, no restriction?

13 A. No.

14 MR. CHAMBERS: Can I have Exhibit 271, please.

15 BY MR. CHAMBERS:

16 Q. Maybe page two. There we go. Have you ever seen this
17 before?

18 A. No.

19 Q. Can you read what the warning says on there? I don't need
20 you to read it out loud.

21 A. Oh, yeah.

22 Q. And do you recall reading any warning on your wheelbarrow
23 tire prior to inflating it that evening?

24 A. No.

25 Q. Do you know whether there was a warning on it prior to

1 inflating it that evening?

2 A. No.

3 Q. And did you have any reservations about filling the
4 wheelbarrow tire?

5 A. No.

6 Q. Do you consider yourself to be somebody who's trained in
7 filling tires?

8 A. Not professionally trained or I'm not an expert, but I've
9 filled up numerous tires my entire life and I've never had one
10 issue.

11 Q. So you've got some life experience to draw from?

12 A. Yes.

13 Q. And the life experience that you're drawing from is
14 primarily with what sorts of tires?

15 A. All different types, vehicle, bicycle, the wheelbarrow
16 tire, ATV tires, all different sorts.

17 Q. And never had any issues filling up any of those?

18 A. Never.

19 Q. Can you estimate for us how many tires in your lifetime you
20 think you filled up?

21 A. At least over 50.

22 Q. And, in fact, you'd filled up this wheelbarrow tire one
23 time before, right?

24 A. Yes.

25 Q. And where was that?

1 A. It was at the 7-Eleven in Ramona.

2 Q. And when you filled it up at the 7-Eleven in Ramona, any
3 issues with that?

4 A. None.

5 Q. Any issues with overinflating it or anything like that?

6 A. No.

7 Q. Did you have to read any manuals to tell you how to do it?

8 A. No.

9 Q. Did you feel competent filling up the wheelbarrow tire out
10 there?

11 A. Yes.

12 Q. There's been some suggestion made, so I think I'll just ask
13 you, why didn't you just take this wheelbarrow tire back to the
14 7-Eleven instead of taking it to the border patrol facility?

15 A. I can't say for sure, but I guess I just threw it in my
16 truck to fill it up whenever I was near the next air
17 compressor.

18 MR. LASKE: Objection, move to strike, Your Honor.
19 Calls for speculation or is speculative.

20 THE COURT: Yeah, sustained. The answer was
21 speculative. Sustained. Last answer is stricken.

22 BY MR. CHAMBERS:

23 Q. Do you have any memory as to why you took this wheelbarrow
24 tire to the border patrol facility as opposed to some other
25 place?

1 A. No.

2 Q. Do you recall when you put the wheelbarrow into your truck
3 to take?

4 A. No.

5 Q. No idea whether it was a day before or a week before?

6 A. No idea.

7 Q. And do you remember the condition of the wheelbarrow tire
8 in terms of how much air was in it?

9 A. No.

10 Q. Don't remember if it was flat or not flat or some air or
11 how much air?

12 A. No.

13 Q. What's your first memory following your injury?

14 A. Waking up in the hospital.

15 Q. And do you recall approximately when that was?

16 A. Shortly before I was released to go home.

17 Q. So you were in the hospital for a couple of weeks, as I
18 understand it?

19 A. Yes.

20 Q. So it would have been a couple of weeks after the incident
21 when you have your first memory?

22 A. I think I was in the hospital for two and a half weeks, so
23 I think right around the end of the second week.

24 Q. So is it fair to say there's about a month gap in terms of
25 your memory around the time of this incident?

1 A. Yes.

2 Q. And when you first woke up in the hospital, how did you
3 feel?

4 A. Confused. In pain. Shocked.

5 Q. Were you scared?

6 A. I would have to say yes. I mean, I had no idea what was
7 going on or why all these people were there and I couldn't talk
8 or -- I was very confused.

9 Q. And the pain that you were experiencing, what was that
10 from?

11 A. From my whole mouth region and the tracheometry [as spoken]
12 in my throat.

13 Q. Can I have Exhibit 41, please. And is this a picture taken
14 of you in the hospital?

15 A. Yes.

16 Q. Is that a fair and accurate representation of what you
17 looked like back then?

18 A. Yes.

19 Q. Can I see Exhibit 42, please. Looks like you from another
20 angle?

21 A. Yes.

22 Q. And is that a fair and accurate representation?

23 A. Yes.

24 Q. Can I see Exhibit 43, please. Flip that. And same
25 question, is this a fair and accurate representation of you in

1 the hospital?

2 A. Yes.

3 Q. Do you know what injuries you sustained?

4 MR. LASKE: Objection, Your Honor, calls for hearsay.

5 THE COURT: If you know from personal knowledge what
6 injuries, you may answer.

7 MR. LASKE: And to the extent it might call for a
8 medical opinion.

9 THE COURT: You may answer. Just based on your
10 personal knowledge of what injuries you had when you woke up.

11 THE WITNESS: Okay.

12 THE COURT: Why don't you take that picture down now.

13 MR. CHAMBERS: Yeah.

14 THE WITNESS: I know I had a broken sinus, broken
15 nose, tore my parotid gland. I suffered a skull fracture to my
16 upper mandible. I suffered a skull fracture to my bottom
17 ridge, underneath my lip, above my chin, broken jaw, bunch of
18 teeth missing, a huge scar on the side of my face underneath my
19 chin and on the right side of my face.

20 I know I tore -- I don't know the name of it but one
21 of the muscles above my jaw that helps you eat. Another one I
22 tore that helps you smile. Nerve damage. And there was
23 probably another parotid duct or something, and I know I came
24 two centimeters away from severing my carotid artery.

25 Q. And you mentioned you were in the hospital for two and a

1 half weeks?

2 A. Yes. They originally told me it was going to be four
3 months -- or not four months, a month, but I was able to get
4 out in two and a half weeks.

5 Q. And during those first couple of weeks, how were you
6 feeling?

7 A. Pretty much the same as when I woke up, just still stunned,
8 confused, in pain, embarrassed, trying to figure out what
9 happened, what's going on, not knowing what I'm going
10 to -- what truly -- what true damage I suffered and the road
11 ahead.

12 Q. Were you able to communicate initially?

13 A. When I woke up?

14 Q. Yes.

15 A. No.

16 Q. Why not?

17 A. Because I had the tracheometry in my throat.

18 Q. How about as the days moved forward, were you able to start
19 communicating and talking?

20 A. Well, not until they took it out.

21 Q. Once the tracheotomy was removed, were you able to
22 communicate?

23 A. I mean I could speak, but I wouldn't say I could
24 communicate because it hurt too much to talk and I was missing
25 so many teeth and my jaw was messed up.

1 Q. How would you communicate with others around you?

2 A. I mean, mostly writing stuff down or on the phone just
3 texting. I mean, it hurt too much to talk and no one could
4 understand me anyway, so.

5 Q. So you were released and you went where after you were
6 released from the hospital?

7 A. To my house.

8 Q. And was somebody there with you?

9 A. At first it was my brother, my dad, and my uncle.

10 Q. And how were you feeling once you got home?

11 A. Glad to be out of the hospital, but I was useless. I
12 couldn't eat. Couldn't do anything. Just, I was in pain all
13 day. Couldn't sleep. I was worthless.

14 Q. And that's how you felt?

15 A. Yep.

16 Q. You were eating, how were you eating or sustaining
17 yourself?

18 A. I couldn't eat. Only thing I could do is drink. I don't
19 even remember how -- I know I don't even think I could use a
20 straw so -- so I know, the only thing I could have is liquid.

21 Q. Can I have Exhibit 44, please. I forgot this one. This is
22 you still in the hospital?

23 A. Yes.

24 Q. And this is after you've awoken?

25 A. Yes.

1 Q. And this is a fair and accurate depiction of what you
2 looked like?

3 A. Yes.

4 Q. Is that the swelling we see along the left side of your
5 face there?

6 A. Yes.

7 Q. Can I see Exhibit 17, please. And this looks like you a
8 little further along in your recovery. What are those things
9 on your face?

10 A. I don't know what you'd call them, bandages or something
11 after one of my surgeries.

12 Q. And is this a fair and accurate representation of what you
13 looked like?

14 A. When?

15 Q. When this picture was taken.

16 MR. LASKE: Objection, vague as to time.

17 BY MR. CHAMBERS:

18 Q. Do you recall when this photo was taken?

19 A. It was after one of my surgeries, but it wasn't one of
20 the -- after I got home right away.

21 Q. Right. No, I can tell you're a little further along in the
22 road to recovery.

23 A. Yes.

24 Q. Do you recall what surgery it followed?

25 A. Not off the top of my head.

1 Q. But that's a photo of you, is it not?

2 A. Yes.

3 Q. Can I see Exhibit 18. And when was this taken?

4 A. That was after another surgery. I believe it was the
5 second one I had with Dr. Berger.

6 Q. And that's a fair and accurate representation of what you
7 looked like following that procedure?

8 A. Yes.

9 Q. Can I have Exhibit 20, please. This looks similar to
10 number 17, looks like maybe a larger bandage along the left
11 side of your face there?

12 A. Yes.

13 Q. And this is a fair and accurate representation of you?

14 A. Yes.

15 Q. And do you recall when this was taken?

16 A. Yeah, after one of the surgeries.

17 Q. Do you recall what surgery?

18 A. Not specific, no.

19 Q. Were you taking this photo?

20 A. I could have been.

21 Q. Don't remember one way or the other?

22 A. No.

23 Q. So let's go back to you getting home and starting the
24 recovery process. You said you felt worthless, how was your
25 pain during those first few weeks at home?

1 A. Horrible. Like I said, it was all day long and that's why
2 I didn't even want to talk or anything because the more I would
3 try to talk the more it would hurt.

4 I would just take as much medication as I could to try to
5 get me as comfortable as possible and just lay there.

6 Q. And then shortly after you were released from the hospital,
7 you had a surgery; is that right?

8 A. Yes.

9 Q. So the incident happened in June of 2013 and I think you
10 were released and then you went back in, in July of 2013, does
11 that sound right?

12 A. Yes.

13 Q. Late July?

14 A. I believe it was later July.

15 Q. And do you recall what that surgery entailed?

16 A. That was back at Scripps Mercy and it was by Dr. Vecchione
17 and Dr. Azer, they were removing the stints that they put in my
18 parotid duct or gland and removing some arch bars that they had
19 put in earlier.

20 Q. Okay. And what was the recovery like from that procedure?

21 A. I mean, pain again and still just not knowing of what's
22 ahead. I mean, I didn't even know Dr. Berger's name until
23 after that one still, and had no idea what was coming.

24 Q. And then about a month after that surgery, you have another
25 one at Sharp Memorial, is that right?

1 A. That was the first one I had with Dr. Berger on my
2 birthday.

3 Q. Tell me a little bit about what that procedure involved.

4 A. He broke -- rebroke my jaw. He took a bone out of my hip
5 to put it, graft it in my mouth. He put a bunch of titanium
6 mesh in my mouth and just started kind of reconfiguring my
7 face, I guess.

8 Q. And the recovery from that particular surgery was
9 difficult, wasn't it?

10 A. Yes. It was the most painful one I've been through.

11 Q. What about it was painful?

12 A. I didn't really know the extent of what he was going to do,
13 but I felt like someone took a sledge hammer and just cracked
14 me over the face with it. I mean, my whole entire face was
15 sore. I couldn't touch anything and my whole face got black
16 and blue, my eyes, everything like. It sucked.

17 Q. And, again, about a month after that one you go back in to
18 have some additional teeth pulled; is that right?

19 A. Yes.

20 Q. And that was with Dr. Berger as well?

21 A. Yes.

22 Q. You've had quite a few surgeries to try and put you back
23 together, haven't you?

24 A. Yes.

25 Q. Do you have any estimate as to how many?

1 A. I think probably around 10 or so.

2 Q. And you don't even remember the first two that you had when
3 you were in the hospital, do you?

4 A. No.

5 Q. I want to kind of stick with the physical injuries that
6 you've sustained. What's the last three, almost four years
7 been like for you physically?

8 A. A lot of ups and downs, but I mean for the most part just
9 horrible.

10 Q. Tell me a little bit more, what's been so horrible about
11 it.

12 A. Well, the pain, of course. I lost 50 pounds because I
13 couldn't eat anything. I had to buy all new clothes. And then
14 I'd be able to eat again or I got to go from liquid to soft
15 food for a little while, then I'd have another surgery. Then
16 I'm back on the liquid diet and that happened, you know, back
17 and forth for years. And, physically, just being in pain when
18 you just don't -- you don't know when it's going to end.

19 Q. Has it really ended even though three plus years have
20 passed?

21 A. No.

22 Q. Why not?

23 A. Just all the damage done. It's -- it's not going away.

24 Q. And we heard from Dr. Kohani you only recently got your
25 teeth; is that right?

1 A. Yes.

2 Q. And so for the better part of the last three, three and a
3 half years, did you have any teeth at all?

4 A. I had a couple.

5 Q. How about any teeth in the front?

6 A. No.

7 Q. And would you go out in public that way?

8 A. I would have to.

9 Q. Why?

10 A. There's no other way to go to doctor's visits, go to the
11 store, go to work, do anything.

12 Q. Did you have any kind of temporary thing that you could put
13 in there or retainer of some sort?

14 A. I did at first, but when Dr. Berger pulled out more teeth
15 the fake teeth wouldn't fit anymore and they wouldn't make me
16 new ones, so I said screw it.

17 Q. You'd rather just not have teeth than have teeth that
18 weren't fitting?

19 A. Because it would cost me thousands more dollars just for
20 the fake teeth.

21 Q. What about your facial cuts and scarring, how has that been
22 over the last couple years?

23 A. Not good.

24 Q. Why?

25 A. Because people look at you differently and you get a

1 thousand questions asked, well, what happened to you, and they
2 look at me funny.

3 Q. Does that bother you?

4 A. Yeah.

5 Q. And then we've heard a little bit about the numbness, can
6 you tell us a little bit about the numbness that you're
7 experiencing?

8 A. It's right in my -- pretty much my bottom lip and below it
9 into my chin and up to my upper lip like right here. Tingling
10 and numbing all day every day.

11 Q. Has it gotten any better?

12 A. No.

13 Q. And what about pain, are you still in pain?

14 A. I am, but kind of gotten used to it. But it's there.

15 MR. CHAMBERS: Your Honor, this might be a good place
16 to stop for this afternoon.

17 THE COURT: All right. We'll take our afternoon
18 recess at this time. Agent Moore, you may stand down. We'll
19 see you tomorrow at 9:00. We'll begin promptly at 9.

20 You can leave your things here. We're going to lock
21 the courtroom up. It'll be reopened at 8:30 tomorrow. But
22 anything you don't need to take with you for tonight you may
23 leave here. Any other things we need to discuss before we
24 recess?

25 MR. CHAMBERS: Just to make the Court aware, Your

1 Honor, we sort of took Ryan out of order. So we've got some
2 doctors lined up for the morning, so we'll pick up with Ryan's
3 testimony tomorrow afternoon, if that's all right.

4 THE COURT: Yeah, that's fine. Plaintiffs are at
5 almost five hours. The defendants are at an hour and 10
6 minutes at this point just for your planning purposes.

7 (The excerpt concluded at 4:56 p.m., February 28, 2017.)
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1 COURT REPORTER'S CERTIFICATE

2
3 I, CYNTHIA R. OTT, Official Court Reporter, United States
4 District Court, Southern District of California, do hereby
5 certify that pursuant to 28 U.S.C. §753 the foregoing is a
6 true, partial and correct transcript of the stenographically
7 reported proceedings had in connection with the above-entitled
8 matter and that the transcript page format is in conformance
9 with the regulations of the Judicial Conference of the United
10 States.

11 DATED at San Diego, California, March 13, 2017.
12
13

14 /s/ CYNTHIA R. OTT
15 CYNTHIA R. OTT, RDR, CRR
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